



February 7, 2018

The Honorable J.D. Mesnard
Arizona House of Representatives
Arizona State Capitol Complex
1700 W Washington St.
Phoenix, AZ 85007

The Honorable Rebecca Rios
Arizona House of Representatives
Arizona State Capitol Complex
1700 Washington St.
Phoenix, AZ 85007

Dear Speaker Mesnard and Minority Leader Rios:

I write on behalf of Families Against Mandatory Minimums (FAMMM) to oppose HB 2241. The opioid epidemic has taken a tragic toll on Arizona, and FAMMM supports continued efforts to address this mounting issue. However, responding with 10- and 15-year mandatory minimum prison terms will only increase unjust and expensive sentences and make no discernable impact on the rate of drug use in Arizona.

FAMMM opposes HB 2241 because 30 years of experience show that mandatory minimum sentences do not reduce crime or stop the ills of drug abuse and trafficking. The lengthy mandatory prison sentences proposed in HB 2241 will put low-level dealers and addicts in prison and keep them there far longer than necessary, instead of directing them to the treatment they need or permitting a shorter prison stay that will increase their odds of a successful reentry. Even HB 2241's mitigated sentences of five and 10 years are still extremely lengthy and disproportionate to the conduct of far too many drug offenders.

HB 2241 will force judges to ignore the needs of addicts and their families and instead require lengthy, expensive prison stays that will not foster rehabilitation. The harsh sentences will create absurd and unjust results that diminish respect for the justice system. The long prison terms will apply equally, for example, to addicts who fund their addictions by selling small quantities of drugs to friends, and to kingpins who bring large quantities of fentanyl across the border. Our concerns are not theoretical. Frequently, individuals with drug dependencies turn to distribution to support their own habits. Frequently, friends share or sell drugs to one another and use drugs together. The proposed bill provides no flexibility for courts to provide a fair punishment or ensure that the user-dealer gets treatment rather than incarceration.

Not only will HB 2241 produce more unjust and counterproductive sentences for low-level dealers and addicts, it will do so at a high cost to the taxpayer. The annual cost of incarceration per inmate in Arizona is about \$24,000. Should HB 2241 become law, the state will spend \$240,000 to incarcerate a single drug seller for the presumptive sentence of 10 years for a first offense. That is \$240,000 that cannot be spent on more drug court programs, more treatment centers in the community to reduce the demand for drugs, more overdose-stopping medicines for police officers to use to save lives, or more police officers on the street, which might actually deter illicit drug transactions.


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Perhaps the high cost could be justified if this bill was likely to have a strong deterrent effect on drug distribution, but available evidence overwhelmingly suggests that it will not. The Federal Government's National Institute of Justice has made clear that it is the certainty of being caught, not the severity of the punishment, that deters crime. As it relates to drug-related crime, the body of evidence weighs even more heavily against lengthy punishment. A recent 50-state study from the Pew Charitable Trusts found no significant relationship between drug sentencing and three key indicators of drug epidemics: illicit drug use, drug arrests, and overdoses rates.

Undoubtedly, the opioid epidemic is a public health crisis, but HB 2241 is not a public health approach. Harsh mandatory drug sentences already on the books in Arizona – and in dozens of other states fighting the same drug problems – have not prevented or reduced opioid abuse or overdoses, and there is no proof that doing more of the same will make a difference now.

Arizona faces a crisis. That is why Arizona should not settle for cosmetic, “do something” fixes such as HB 2241, but invest in evidence-based practices that will have a meaningful impact on the opioid crisis and promote public safety. We urge you to oppose this bill. Thank you for your time and consideration.

Sincerely,



Kevin A. Ring
President, FAMM

cc: Members of the Arizona House of Representatives